



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/432,319	11/02/1999	RICHARD JOHN PROCTOR	P/61683	9894

156 7590 01/11/2006

KIRSCHSTEIN, OTTINGER, ISRAEL
& SCHIFFMILLER, P.C.
489 FIFTH AVENUE
NEW YORK, NY 10017

EXAMINER

PIZARRO, RICARDO M

ART UNIT	PAPER NUMBER
----------	--------------

2662

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/432,319

Applicant(s)

PROCTOR, RICHARD JOHN

Examiner

Ricardo Pizarro

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 52-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 52-56, 58-61 and 65 is/are rejected.
- 7) ☒ Claim(s) 57 and 62-64 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

FINAL ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 52-54 are rejected under 35 U.S.C. 102(e) as being unpatentable by US patent No. 6,243,374 (White).

Regarding claim 52, White discloses a telecommunications method, comprising: one or more nodes (Nodes 104 and 116) a plurality of telephone exchanges (eo 107 AND eo 121 IN Fig. 12), two of which are arranged to communicate traffic with each other via the one or more nodes (Exchanges communicate traffic through router IGR 104 in Fig. 12, col 19 lines 43-44); wherein communication via the one or more nodes is in a packetized form of packets (communication via packets i.e. Internet network 106 in

Art Unit: 2661

Fig. 12); wherein the one or more nodes comprise routers (said nodes are Internet Router 104 and Internet Router 116 in Fig. 12); wherein at least some of the telephone exchanges arranged to communicate with each other via the one or more nodes are trunk exchanges (Exchanges 107 and 121 in Fig. 12) wherein each of the trunk exchanges has a direct link to each of the one or more nodes (each trunk exchange has a direct line 108 and 117 respectively to Internet Routers 104 and 116 in Fig. 12); wherein communication via one or more of the routers uses internet protocol (IP) for the traffic (Both Routers are Internet routers) and an adapter for exchanging information status and means for converting the traffic from the packetized form to a non-packetized form ~~are~~, both inherent features for the system since the router 104 includes adapter means to send status situation in packetized form using signaling information and also is inherent that the routers means are capable of performing this conversion otherwise the system would not be able to function as expected.

Regarding claim 53, some of the exchanges are local exchanges (local exchanges 1 and 2 in Fig. 12)

Regarding claim 54, wherein the communication includes telephone calls; and wherein all call handling in the system takes place outside of the one or more nodes (nodes 20 in Fig. 1 are not arranged to handle call processing but rather routing and conversion of data).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 55 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,243,374 (White) in view of US patent No. 6,282,194 (Cheesman).

White did not specifically disclose wherein communication between the local exchanges and the trunk exchanges uses asynchronous transfer mode , as in claim 55, means for providing interworking between synchronous transfer mode (STM) and IP domains , as in claim 60.

However Cheesman discloses a Trunk system, wherein communication between the local exchanges and the trunk exchanges uses asynchronous transfer mode (ATM) (Local exchanges 100, 110 and 120 In Fig. 5 communicate through ATM network 50) as in claim 55; , means for providing interworking between synchronous transfer mode (STM) and IP domains (STM 70 interworks with IP gateway 30 in Fig. 5, col 8 lines18-23), as in claim 60

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the White reference in order to have the system functioning as a virtual access tandem interconnecting end office.

The motivation to do so is to provide a system that permits narrowband traffic to be directed through asynchronous transfer mode networks.

3. Claims 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,243,374 (White) in view of US patent no. 6,002,757 (Williams.)

White did not specifically disclose wherein each of the two or more telephone exchanges comprises routing data relating to communication with all other exchanges in the telecommunications system; and wherein the routing data is partially or wholly enabled, as in claim 56,

However Williams disclose wherein each of the two or more telephone exchanges comprises routing data relating to communication with all other exchanges in the telecommunications system (col 7 lines 15-20) as in claim 56.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify to provide the routing tables as disclosed by Williams to the system disclosed by White to be capable of routing a call regardless of whether the called party is served locally or externally, the table can be partially or wholly enabled depending on the volume of calls.

The motivation to do so is to obtain a method of routing calls between networks with ported numbers while making use of existing facilities , minimizing call routing complexities and cost.

4. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Art Unit: 2661

US patent No. 6,243,374 (White) in view of US patent No. 6,345,048 (Allen).

White did not specifically disclose said the system comprising means for carrying voice traffic as AAL1 or AAL2, as in claim 58.

Allen discloses an ATM based distributed virtual tandem switching system, comprising means for carrying voice traffic as AAL1 or AAL2, as in claim 58.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the means for carrying voice traffic as disclosed by Allen to the White system to provide a replacement in the system for current trunking system operating between end offices.

The motivation to do so is to obtain a trunk forecasting and provisioning system that in order to minimize overflow call volume, can adequately provide forecasting in such a way that the trunk group can handle the expected call volume.

5. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,243,374 (White) in view of US patent No. 6,542,498 (Socaciu)

White did not specifically disclose said adapter detecting modem traffic, as in claim 61.

Socaciu. discloses a signaling system including modem detection means (col 4 lines 42-44), as in claim 61.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the detection means as disclosed in Socaciu to the system disclosed by White in order to have the system to efficiently connect with the idle Internet stations

The motivation to do so is to obtain a system that can easily and efficiently connect idle Internet end stations at any time.

6. Claim 65 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,243,374 (White) in view of U.S. patent No 6, 345, 048 (Allen).

White did not specifically disclose said adapter comprising means for compression of voice traffic, as in claim 65.

Allen discloses an IWF means comprising AAL2 means that can support voice compression (col 6 lines 30-32), as in claim 51.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the voice compression means as disclosed by Allen to the system disclosed by White in order to obtain a switching system that that is adapted to receive end office voice trunks and convert the trunks to ATM cells.

The motivation to do so it to provide an ATM based distributed virtual tandem switching system that can replace a standard tandem switch.

7. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6,243,374 (White) in view of US patent No. 6,370,149 (Gorman).

White did not disclose means for carrying voice traffic as voice over IP (VOIP), as in claim 59.

Gorman discloses means for carrying voice traffic as voice over IP (VOIP)(col 5 lines 50-55), a sin claim 59.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the White reference in order to provide a diverse interface with the Internet.

The motivation to do so is to have a system where in no dedicated circuit connection is consumed for the entire duration of a call.

-

Allowable Subject Matter

8. Claims 57, 62-64 are is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Response to Arguments

Applicant's arguments filed have been fully considered but they are not persuasive.

Applicant argues that White fails to disclose an adapter means for exchanging status information. Examiner disagrees since the adapter function would be an inherent feature within Router 104, that is capable of exchanging status information using signaling information in packetized form as claimed. See signaling Transfer point 142 in Fig. 124 directly connected to router 104.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300

.(for formal communications; please mark "EXPEDITED PROCEDURE", for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 22- 20th Street S, Crystal Plaza Two, Lobby, Room 1B03, Arlington , VA 22202 (Customer window).

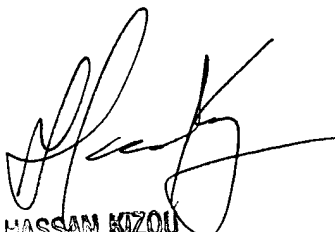
Art Unit: 2661

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ricardo Pizarro** whose telephone number is (571) 272-3077. The examiner can normally be reached on Monday-Thursday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Hassan Kizou** can be reached on (571) 272-3088.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 6, 2006
Ricardo Pizarro



HASSAN KIZOU
SENIOR PATENT EXAMINER
TECHNOLOGY CENTER 2600